IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 234 OF 2001

BETWEEN

Sunil Lakra S/o Shri Jaimaseeh Lakra, aged about 40 years, R/o F-1, Mungeli Naka, Bilaspur (Chhattisgarh)

PETITIONER

A N D

1. State of Chhattisgarh, Through Secretary, Commercial Tax Department (Excise) of Chhattisgarh, D.K.Building, Raipur.

2. The Commissioner of Excise, Raipur.

3. Collector, Raipur.

4. M/s Sandeep Traders, C-251, Shailendra Nagar Chhugani Building, Raipur.

5. Mr. Surjit Singh Bhatia, Wine Contractor, New Swapning Medical Shop, Katora Talab, Raipur.

6. Mr. Amarjit Singh, Opposite Mahakaushal Press, Ravi Nagar, Raipur.

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ. &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

W.P. No.234 of 2001

PETITIONER Sunil Lakra, Bilaspur (C.G.)

Versus

RESPONDENT State of Chhattisgarh and others.

Present : Shri P Diwakar, learned Sr. Advocate with Shri Adil Minhaj counsel for the petitioner.
Shri Prashant Mishra, Addl. A.G for the State of C.G and its authorities.
Shri A. Sinha and Shri G.S. Patel counsel for respondent No.5.
Shri Sanjay S Agrawal, counsel for respondent No.6

ORAL ORDER
(Passed on 23rd February, 2007)

The following oral order of the Court was passed by H.L. Dattu, CJ.

The petitioner was practicing as a lawyer. The locus standi of the petitioner in filing this petition is highly doubtful. Even then we do not intend to express any opinion on this aspect of the matter.

(2) The only relief that is sought in this Public Interest Litigation is to direct respondent Nos.1 to 3 to forfeit a sum of Rs.2.75 crores said to have been deposited by the respondent No.4 while participating in the auction in respect of Raipur group of shops for the period from 01.04.2002 to 31-03-2001.

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(3) The service of notice of this petition was ordered to be issued and served on the respondent. They have also filed their return and also filed an application for dismissal of the writ petition. In the return as well as in the application for dismissal of the petition, they have categorically stated that by not forfeiting the amount of Rs.2.75 crores said to have been deposited by respondent No.4 the State Government has not suffered any loss whatsoever. The return filed by the respondents is on oath. We have no reason to believe the statement made in the return filed by the respondents. Therefore, relief sought for by the petitioner cannot be granted by us. Accordingly, the writ petition requires to be rejected and it is rejected. In the facts and circumstance of the case, the parties shall bear their respective costs.

(4) Registry is directed to refund the security deposit made by the petitioner, as early as possible.

Sd/-
Chief Justice

Sd//-
V.K.Shrivastava
Judge